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UNCLAS STATE 122641

SIPDIS

E.O. 12958: N/A
TAGS: [UNGA](#) [PHUM](#) [UN](#)
SUBJECT: V-Y ACTION REQUEST: DECEMBER VOTE ON "DEFAMATION
OF RELIGIONS"

REF: A. REF A: STATE 109397 UNGA 3C PRIORITIES CABLE
[1](#)B. REF B: STATE XXX AD HOC COMMITTEE CABLE

1.(SBU) During the week of 7-12 December, the deeply problematic "combating defamation of religions" resolution, which seeks to undermine established human rights of freedom of religion and expression, will come to the plenary session at the UN General Assembly (UNGA) for a final vote. This resolution passed out of the UNGA's Third Committee on November 12th by a vote of 81-55(U.S.)-43. Increasing the number of &no8 votes and abstentions between the November 12th and December vote is a priority of the Department. Drawing on reftel (UNGA third committee priorities and demarche request on the Ad Hoc Committee on Complementary Standards) points, and the additional talking points and information noted in paragraphs 2 - 15, Posts are requested to demarche at the highest appropriate level to seek host government views on the resolution, educate about the potential dangers of the "defamation" concept, and to solicit support to vote against the resolution, or, as a fall back, to abstain. Note specific background by region with voting information provided in paragraphs 6 through 15. Posts are requested to respond by Monday, December 7 via front channel cable using SIPDIS caption. Posts should not deliver this demarche if they determine it would be counterproductive to do so, and in such cases, are requested to inform Department (IO-RHS and DRL-IRF) of their rationale.

GENERAL BACKGROUND

[1](#)2. Per Ref A, the resolution is sponsored by the Organization of the Islamic Conference (OIC), a 57 nation block with majority or significant Muslim populations, which has successfully brought similar resolutions before the UNGA Third Committee and the UN Human Rights Council (HRC) in Geneva. Among the stated concerns behind the resolution is that negative stereotyping or offensive statements about Islam contribute to discrimination against Muslims around the world. For reasons noted in reftel A and B, the United States strongly opposes the &defamation of religions8 concept but condemns negative stereotypes of Islam and believes it is incumbent upon governments to foster a society of respect, diversity, and understanding. In submissions to the Office of the High Commissioner for Human Rights, and to the Ad Hoc Committee on Complementary Standards (a subsidiary body of the Human Rights Council through which some in the OIC and Africa Group are using to advocate for the creation of a new international legally binding treaty on racism and religious intolerance that would prohibit &defamation of religions8), the United States has offered an alternative vision for combating intolerance and discrimination that would not infringe on the freedom of expression or freedom of religion and center on pro-active implementation of existing human rights obligations. Posts may wish to refer to these documents and can find these submissions on the IO-Human

Rights (IO-HR) intranet website
<http://io.p.state.sbu/RHS/default.aspx>, under the title
&Defamation of Religions,8 which can be located on the
left-hand side of the page.

¶3. The &defamation8 debate has garnered considerable attention within the Department and on the Hill, and was the focus of a recent hearing held by the Tom Lantos Commission on Human Rights. The Secretary is personally concerned about the negative impact of the defamation concept, and mentioned our concerns in numerous addresses, including most recently at the release of the Annual Report on International Religious Freedom (<http://www.state.gov/secretary/rm/2009a/10/130937.htm>). Members of Congress have also directly lobbied governments on this issue. Copies of letters signed by 35 members of Congress are available on the IO-HR intranet website. These may be downloaded and left with host government counterparts as a means of reinforcing the bipartisan concern over this issue in all parts of the U.S. government.

¶4. Posts seeking additional background or information on how host country voted in the recent Third Committee vote should please visit the IO/HR intranet site. The most recent voting sheets and an Excel chart with votes over the last three years is posted on the IO/HR site. Also available on that website is the &Defamation of Religions8 non-paper distributed in New York, and that may be left behind with host country counterparts. The non-paper, which is available in English, Spanish, includes examples of specific cases when the defamation concept has been used to justify human rights abuses. We are also in the process of translating the non-paper into French and Arabic.

SUGGESTED TALKING POINTS

¶5. Begin talking points:

-- The &defamation of religions8 concept is a threat to minority groups everywhere. It has already resulted in the death or incarceration of people across the globe, persecuted because of what they believe and how they have expressed themselves. The promulgation of the &defamation of religions8 concept is one of the most serious threats to the global human rights system. Secretary Clinton has taken a personal interest in combating the &defamation8 concept and we are following closely where governments line up on this issue.

-- While the United States recognizes the OIC,s stated concern underlying the &defamation8 resolution regarding discrimination and intolerance, we think there are better ways we can practically address these concerns without seeking limits or restrictions on speech. Calls for such limitations or bans on freedom of expression are unacceptable, not only due to the importance of free speech, but also because we believe that suppressing speech does not increase tolerance; rather it has the opposite effect.

-- Rather than limited or banning offensive speech, the United States believes that the most effective role for government is to: (i) proactively reach out to minority groups, in particular, to address discrimination and intolerance, (ii) develop appropriate legal regimes to adjudicate discriminatory acts and hate crimes, and (iii) allow diversity to flourish through robust freedom of religion and expression protections.

-- The US is committed to robust implementation of existing international human rights law, including the International Convention on the Elimination of Racial Discrimination and the International Covenant on Civil and Political Rights, and to working constructively with the international community, in particular OIC countries, on this difficult and polarizing issue. For example, at the recent meeting of the Ad Hoc Committee on Complementary Standards in Geneva, the U.S. delegation submitted an Action Plan to Combat Racial and Religious Discrimination and Intolerance. (See IO-HR website

and online at <http://Geneva.usmission.gov/2009/11/09/complementary-standards.>)

-- We ask you to vote against the "Defamation of Religions" resolution, or as a fall back, to abstain. We note that in the recent Third Committee vote and even in the HRC, "no" votes and abstentions outnumbered the "yes" votes. Support for the resolution is falling as governments see the negative impacts resulting from the defamation concept.

SPECIFIC REQUESTS AND VOTING INFORMATION FOR WHA POSTS:

16. Chile, Mexico, Panama, and Uruguay have taken the bold step of voting against the resolution at UNGA and should be thanked for their support. We would welcome their views on how to convince others in Latin America to do the same. Likewise, Bahamas and Jamaica helpfully shifted from yes to abstention and should be encouraged to continue to abstain or to vote "no". Continuing to break the GRULAC block is essential to the success of USG efforts to put an end to this polarizing debate.

17. Posts are requested to approach countries that have consistently abstained to urge them to vote no.8 This includes: Argentina, Brazil, Colombia, Costa Rica, Ecuador, Grenada, Guatemala, Paraguay, Peru, Trinidad-Tobago). Similarly, Posts should reach out to countries that were absent during the vote (St. Kitts-Nevis, Haiti) and probe if they are willing to abstain in person or vote no.8 Posts should also approach consistent "yes" voters or countries that have switched their votes in an unhelpful manner to gain views about the resolution and to state USG commitment to addressing issues of concern, as noted in the recent Action Plan submitted to the Ad Hoc Committee on Complementary Standards. This includes Antigua-Barbuda, Barbados, Belize, Bolivia, Dominica, Dominican Republic, El Salvador, Guyana, Honduras, Nicaragua, St. Vincent-Grenadines, Suriname, and Venezuela.

SPECIFIC REQUESTS AND VOTING INFORMATION FOR EAP POSTS:

18. Vanuatu took the step to vote "no" for the first time this year and should be thanked for it. Republic of Korea maintained its no.8 vote and we would welcome ROK's views on how to convince others to do the same. Posts are also requested to engage with countries that have abstained to urge them to vote against the resolution. This includes Fiji, Japan, Mongolia, Nauru, Papua New Guinea, Solomon Islands, Timor Leste, Tonga, and Tuvalu. The abstention of Japan, in particular, is curious. It should be noted that Fiji switched its vote from "yes" to "abstain" for the first time this year and that Nauru was not present at the vote this year.

19. Posts should also approach consistent yes.8 voters to gain views about the resolution and to state USG commitment to addressing issues of concern, as noted in the recent Action Plan submitted to the Ad Hoc Committee on Complementary Standards. This includes: Brunei, Burma, Cambodia, China, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Vietnam.

SPECIFIC REQUESTS AND VOTING INFORMATION FOR EUR POSTS:

10. Posts in EUR are requested to approach countries that have abstained, voted yes, or were absent during the vote to urge them to vote no.8 or abstain, as a fall back. This includes Albania, Armenia, Azerbaijan, Belarus, Bosnia-Herzegovina, Russia, and Turkey. USUN has heard that Bosnia-Herzegovina will switch to an abstention for the Plenary. Posts should confirm this switch with capital. Despite OIC pressure to vote for the resolution, Albania abstained on the resolution and should be thanked for its abstention.

SPECIFIC REQUESTS AND VOTING INFORMATION FOR AF POSTS

11. The defamation.8 resolution has wide support in Africa, but it is unclear if that is because governments themselves believe in the resolution, or because they are

going along with the wishes of the Africa Group leadership (which includes Egypt, among the resolution's main proponents).

¶12. There were several positive shifts in the vote count in Africa, although no Africa country went so far as to vote no this year. (Cape Verde and Liberia voted "no" at Third Committee last year, but abstained or were absent this year.)

Posts are requested to thank countries that have switched votes in a positive manner to express appreciation and encourage their continued support) this includes Cameroon, Democratic Republic of Congo, Lesotho, Mauritius, and Namibia.

¶13. Posts are requested to persuade countries that have consistently abstained to vote &no.8 This includes Botswana, Burkina Faso, Burundi, Cape Verde, Ghana, Kenya, Madagascar, Malawi, Rwanda, Tanzania, and Zambia. We would be interested to understand why Cameroon abstains at the Third Committee but votes "yes" at the HRC. Equatorial Guinea has abstained in the past, but was absent at the vote this year.

¶14. Posts should also approach consistent &yes8 voters as well as countries that have recently switched their votes in an unhelpful manner to gain views about the resolution and to state USG commitment to addressing issues of concern, as noted in the recent Action Plan submitted to the Ad Hoc Committee on Complementary Standards. This includes: Angola, Benin, Cape Verde, Chad, Comoros, Congo, Cote D'Ivoire, Djibouti, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, Mali, Mauritania, Mozambique, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, and Uganda. It should be noted that South Africa and some other African states see &defamation of religions8 as a way to protect human dignity.

SPECIFIC REQUESTS AND VOTING INFORMATION FOR SCA POSTS

¶15. Posts are requested to persuade consistent Yes voters to vote &no8 or at least abstain. This includes: Bhutan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Posts are requested to encourage countries who have abstained to continue to abstain or vote &no.8 This includes: India, Nepal, and Sri Lanka. It should be noted that Sri Lanka abstained for the first time this year) a positive development.

SPECIFIC REQUESTS AND VOTING INFORMATION FOR NEA POSTS

¶16. NEA posts are &info8 on this demarche, as NEA countries are consistent Yes voters and have not voted outside of an OIC bloc vote to date. Department doubts that these votes will change for the December vote, but includes NEA posts here for background purposes and in the event that host country raises the &defamation8 issue.

¶17. REPORTING DEADLINE AND POINTS OF CONTACT: Posts are requested to respond by Monday, December 7th. Please direct any questions or concerns to DRL/IRF Joannella Morales/Nasreen Badat or IO/HR Amy Ostermeier/Colleen Neville.
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